

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

FRED MCMILLEN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:22-cv-00925-AWI-SAB

ORDER REQUIRING DEFENDANT TO  
SHOW CAUSE WHY PLAINTIFF'S SOCIAL  
SECURITY APPEAL SHOULD NOT BE  
DEEMED UNOPPOSED

THREE-DAY DEADLINE

On March 9, 2023, an order issued granting the parties stipulation to extend the deadline for Defendant to file an opposition brief until March 8, 2023. (ECF No. 17.) Defendant's opposition brief was not entered on the docket until March 9, 2023. (ECF No. 18.) A review of the filing reveals it was filed at 12:03 a.m. on March 9, 2023, so it appears Defendant was attempting to file the document around midnight on the deadline. While a minor infraction, no acknowledgment or stipulation has been filed thereafter anytime on March 9, 2023. Therefore, the Court shall order Defendant to show cause why the filing should be deemed timely, and why Plaintiff's motion for summary judgment should not be deemed unopposed. The parties may also stipulate to deem the motion timely. Plaintiff's reply deadline shall be extended to fifteen (15) days after the Court deems the opposition timely, if it ultimately does so.

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1 Accordingly, IT IS HEREBY ORDERED that within three (3) court days from the date  
2 of entry of this order, Defendant shall show cause in writing why the opposition may be deemed  
3 timely, and why Plaintiff's motion for summary judgment should not be deemed unopposed, or  
4 file a stipulation deeming the filing timely.

5  
6 IT IS SO ORDERED.

7 Dated: **March 10, 2023**

  
UNITED STATES MAGISTRATE JUDGE